

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

L.G. MOTORSPORTS, INC.
Plaintiff,

VS.

**GENERAL MOTORS, LLC f/k/a NGMCO,
INC., CORVETTE RACING, INC.,
MICHELIN NORTH AMERICA, INC.,
and DOUG FEHAN**
Defendants.

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CASE NO. 4:11CV112

**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On June 6, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant General Motors LLC's Motion for Summary Judgment (Dkt. 72) be GRANTED in its entirety and Plaintiff take nothing by its claims against GM, that Defendant Michelin North America, Inc.'s Motion for Summary Judgment Against Plaintiff on All Claims (Dkt. 73) be GRANTED as to all claims addressed in the motion, but that Plaintiff's newly added promissory estoppel claim against Michelin proceed herein.¹

The court has made a *de novo* review of the objections raised by Plaintiff (*see* Dkt. 104) and Defendant Michelin North America, Inc. (*see* Dkt. 105), as well as the parties' respective responses to those objections (*see* Dkts. 109 & 110), and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit as to the ultimate findings of

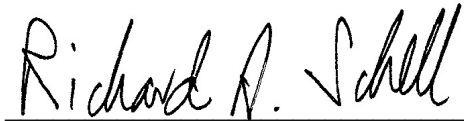
¹The court notes that, since the issuance of that report, the Magistrate Judge has set deadlines for the parties to conduct discovery and submit dispositive motions on the issue of promissory estoppel. *See* Dkts. 106 & 112.

the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, Defendant General Motors LLC's Motion for Summary Judgment (Dkt. 72) is GRANTED in its entirety and Plaintiff shall take nothing by its claims against GM. Further, Defendant Michelin North America, Inc.'s Motion for Summary Judgment Against Plaintiff on All Claims (Dkt. 73) is GRANTED as to all claims addressed in the motion and Plaintiff shall take nothing by those claims against Defendant Michelin, but Plaintiff's newly added promissory estoppel claim against Michelin shall proceed herein.

IT IS SO ORDERED.

SIGNED this the 30th day of September, 2013.

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive, flowing style. The first name "Richard" is written with a large, prominent "R". The last name "Schell" is written with a large, prominent "S". The signature is positioned above a horizontal line.

RICHARD A. SCHELL
UNITED STATES DISTRICT JUDGE